

**General Assembly**

Distr.: General
3 February 2014

Original: English

**Special Committee on the Situation with regard
to the Implementation of the Declaration on the
Granting of Independence to Colonial Countries
and Peoples**

Western Sahara

Working paper prepared by the Secretariat

I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 67/129, the Secretary-General submitted to the Assembly at its sixty-eighth session a report on the question of Western Sahara (A/68/330). The report covered the period from 1 July 2012 to 30 June 2013, and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.
2. Also during the period under review, pursuant to Security Council resolution 2044 (2012), on 8 April 2013, the Secretary-General submitted a report to the Security Council on the situation concerning Western Sahara (S/2013/220).
3. In that resolution, the Security Council, inter alia, called upon all parties to cooperate fully with the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO), including its free interaction with all interlocutors, and to take the necessary steps to ensure the security of, and unhindered movement and immediate access for, United Nations and associated personnel in carrying out their mandate, in conformity with existing agreements. The Council called upon the parties to continue their discussion of the ideas in paragraph 120 of the report of the Secretary-General (S/2011/249), and requested the Secretary-General to brief the Council on the implementation of the resolution, challenges to MINURSO operations and steps taken to address them. The Council decided to extend the mandate of MINURSO until 30 April 2013.
4. The report of the Secretary-General to the Security Council (S/2013/220) covered developments since 5 April 2012 and described the situation on the ground, the status and progress of the negotiations and the existing challenges to the Mission operations.
5. The Secretary-General informed about recent developments, including largely peaceful demonstrations by Saharan protesters, and reported that the Under-



Secretary-General for Peacekeeping Operations had visited Western Sahara and the refugee camps near Tindouf in October 2012 and his Personal Envoy had visited MINURSO and the region late in October 2012. His Special Representative had visited Algiers in October 2012 and had held consultations with the Algerian authorities and diplomatic representatives of the Group of Friends of Western Sahara. In March 2013, he had met the Mauritanian authorities to discuss issues of mutual concern. Several human rights organizations had visited the territory, including the Robert F. Kennedy Centre for Justice and Human Rights and the Leadership Council for Human Rights. Also in September 2012, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had visited the Territory west of the berm, at the invitation of the Government of Morocco. Late in September 2012, a delegation from the African Commission on Human and Peoples' Rights had visited the refugee camps near Tindouf, but had not been able to visit Western Sahara itself. In March 2013, the Moroccan authorities had denied access to a delegation of members of the European Parliament travelling in their private capacity.

6. On 17 February 2013, the Permanent Military Tribunal of the Royal Armed Forces in Rabat had pronounced its verdict in the trial of 25 Saharan civilians in relation to violence during and after the dismantling of the Gdim Izik protest camp near Laayoune in November 2010 (see paras. 19, 20 and 21). In December 2012, the President of the Moroccan Economic, Social and Environmental Council had published a preliminary and critical assessment of the current development model of the Territory, including governance and issues of transparency and accountability, in addition to human rights.

7. With regard to the activities of his Personal Envoy, the Secretary-General informed that the period from March 2012 to March 2013 had been marked by a four-month pause in the mediation process and by serious unrest in the Sahel region and beyond. His Personal Envoy had resumed his mediation activities with a trip to the region in October and November 2012, during which he had visited Western Sahara for the first time. He had also visited the capitals of the Group of Friends of Western Sahara, in addition to those of Germany and Switzerland.

8. The Secretary-General informed that from 27 October to 15 November 2012 his Personal Envoy had undertaken regional consultations followed by visits to Madrid and Paris for bilateral discussions with the newly elected Governments. His Personal Envoy had sought to widen his contacts beyond official interlocutors to include civil society leaders, clarify his mandate and highlight his neutrality. By the end of the consultations in the region, his Personal Envoy had obtained confirmation of the willingness of both parties and the neighbouring States to continue to remain engaged in the negotiating process led by the United Nations, including through shuttle diplomacy in the region. It had been agreed with the parties and the neighbouring States that convening yet another round of informal talks in the immediate future would not advance the negotiating process, given that the parties remained strongly attached to their respective proposals and had yet to discuss possible compromises.

9. The Secretary-General reported that his Personal Envoy had undertaken a trip to the capitals of the Group of Friends of Western Sahara from 28 January to 15 February 2013, as well as to Berlin, Bern and Geneva. His Personal Envoy had engaged his interlocutors in a discussion on options for yet another approach to

move the negotiating process beyond the current stalemate and improve the atmosphere for negotiations.

10. With regard to the negotiating process, his Personal Envoy had put forward three modest ideas to be put to the parties and the neighbouring States during a visit to the region in March and April 2013. He had also presented three additional ideas with regard to the atmosphere surrounding the negotiation process. The Secretary-General indicated that his Personal Envoy had found unanimous support for both sets of ideas.

11. The Secretary-General also informed that, as agreed with the parties and the neighbouring States, his Personal Envoy had undertaken a second visit to the region during the latter half of March 2013 and early in April and that the results of the visit would be described orally to the Security Council.

12. With regard to the activities on the ground, the Secretary-General reported that MINURSO had maintained good relations and communications with the Royal Moroccan Army and with Frente Polisario para la Liberación de Saguia el-Hamra y de Río de Oro, notwithstanding the divergences of opinion that remain between the Mission and each party regarding compliance with military agreement No. 1, in particular concerning the status of longstanding violations. MINURSO had observed and recorded 42 general violations of military agreement No. 1 by the Royal Moroccan Army, compared with 25 recorded during the previous reporting period. Four general violations by the Frente Polisario military forces had been confirmed compared with seven confirmed during the previous reporting period. The Secretary-General noted that the general assessment of MINURSO was that the aforementioned violations by both parties had not jeopardized the ceasefire. Further, the Secretary-General noted that with the increase in monitoring challenges related to the growth in military dispositions west of the berm in response to regional threats, the MINURSO military component needed to be strengthened in order to perform effectively.

13. On mine action, the Secretary-General informed the Security Council that widespread contamination caused by landmines and explosive remnants of war throughout Western Sahara continued to endanger the lives of the local population, MINURSO military observers and logistical teams. MINURSO had continued to take steps to ensure the safety of United Nations personnel with the support of the Mine Action Coordination Centre of the Mission. During the reporting period, demining teams had destroyed 401 items, including cluster bomb units, unexploded ordnance and anti-tank and anti-personnel mines. The extent of landmines and explosive remnants of war to the west of the berm remained unknown. Effective cooperation had also continued between the Mine Action Coordination Centre and both the Royal Moroccan Army and Frente Polisario. The Centre began to meet both parties on a quarterly basis to discuss information-sharing, demining methodologies, mine risk education and victim assistance interventions.

14. On safety and security, the Secretary-General informed the Council that the three humanitarian aid workers kidnapped in October 2011 had been released in July 2012 and that nonetheless concerns about kidnapping remained high.

15. With regard to humanitarian activities, the Office of the United Nations High Commissioner for Refugees (UNHCR) had enhanced its protection presence and monitoring in the refugee camps near Tindouf. UNHCR, the World Food

Programme, the World Health Organization and the United Nations Children's Fund (UNICEF) had continued to provide material assistance to refugees in the camps. UNICEF had also strengthened its operational capacity, improved coordination with other United Nations entities and enhanced participation in joint assessments of HIV/AIDS, water, sanitation and hygiene and other programmes.

16. On confidence-building measures, the Secretary-General informed the Security Council that with the cooperation of Morocco and Frente Polisario, UNHCR had continued to implement the confidence-building measures programme. Family visits and cultural seminars remained the two fundamental components of the updated plan of action for confidence-building measures, as agreed with the parties in February 2013. The Secretary-General informed that UNHCR had chaired two meetings in Geneva in 2012 to review the confidence-building measures programme.

17. With regard to the programme of family visits, the Secretary-General informed that the twice monthly exchange visits remained the best way of keeping families connected and that, in order to increase the number of persons benefiting from the programme, UNHCR had leased a larger aircraft, which had tripled the number of beneficiaries and increased the number of locations for the visits.

18. On human rights, the Secretary-General informed the Security Council that during the reporting period, human rights violations affecting Western Sahara in both the Territory and the refugee camps near Tindouf continued to be alleged or reported. With regard to the Territory, they related in particular to violations of the right to a fair trial, torture, cruel, inhuman and degrading treatment, and freedom of expression, association and assembly.

19. In relation to the military trial of 25 Saharan civilians (see para. 6), the Moroccan authorities and some international observers had acknowledged positively the proceedings and outcome of the trial. In contrast, other local and international non-governmental human rights organizations had criticized breaches of international fair trial standards.

20. The Secretary-General informed the Security Council that he shared the concerns that had been expressed by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Special Rapporteur on torture about the use of a military court to try civilians and the failure to investigate allegations of torture and ill treatment, including sexual violence, during the prisoners' pre-trial detention. The Moroccan authorities had informed the High Commissioner that the jurisdiction of the court was legal and complied with the provisions of international law.

21. The Secretary-General noted that while the accused had appealed against the verdict, it was also of concern that the appeal can be made only to the Court of Cassation, which does not allow for a complete review of all aspects of the case. In that regard, King Mohammed VI had recently endorsed the recommendation of the Moroccan National Human Rights Council that civilians should not be prosecuted in a military court. In addition, on 12 February 2013, the Chamber of Representatives had adopted accession legislation for the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

22. The cases of more than 100 Saharans accused of acts of violence in relation to the dismantling of the Gdim Izik camp remained pending before the Laayoune Court

of Appeal. An investigation into allegations of torture and ill treatment reportedly had not been opened. The Special Rapporteur on the situation of human rights defenders had also expressed concern at alleged restrictions on the right of peaceful assembly and on registration of Saharan non-governmental organizations.

23. The Secretary-General also informed that international organizations and United Nations independent experts had been able to visit the Territory. They had, however, reported some constraints while conducting their work; notably, the monitoring by local authorities of meetings and the climate of intimidation that had been created for some interlocutors. Local human rights organizations had regularly reported beatings of demonstrators by Moroccan security forces, including during the visit of the Personal Envoy. In relation to the work of international human rights mechanisms, the Moroccan authorities had facilitated the access of United Nations special procedures mandate holders to the Territory when requested to do so in the context of visits to Morocco.

24. The Secretary-General also informed that the Special Rapporteur on torture had visited Laayoune in September 2012 for two days and had focused on his specific mandate. On 4 March 2013, he had submitted his report to the Human Rights Council, in which he had recommended that the Government of Morocco should promptly conduct impartial and independent investigations of allegations of torture, hold perpetrators accountable, provide compensation to victims, reconsider the jurisdiction of military courts over civilians and further strengthen protection for internationally recognized human rights.

25. The Human Rights Council had adopted in September 2012 the outcome of the universal periodic review of Morocco, including five recommendations relating to the human rights situation in Western Sahara. Three recommendations pertaining to the protection of human rights defenders had enjoyed the support of the Government of Morocco, which considered that they had already been implemented or were being implemented. Morocco had rejected the recommendation that it accept the establishment of a permanent human rights component in MINURSO, arguing that it did not fall within the scope of the mandate of the Human Rights Council.

26. Information regarding the human rights situation in the refugee camps near Tindouf remained limited. In recent years, allegations of violations had been reported, notably violations of the rights to freedom of expression and movement. From 24 to 28 September 2012, the African Commission on Human and Peoples' Rights had undertaken a fact-finding mission, sanctioned by the Assembly of the African Union, to evaluate human rights in the Territory and the refugee camps near Tindouf. The Moroccan authorities had not responded to the mission request to visit the Territory, but its members had visited the refugee camps. In a press release, they had cited information relating to alleged violations committed in the Territory, but had provided no information on alleged violations in the camps.

27. Pursuant to Security Council resolution 2044 (2012), the Secretary-General examined the existing challenges to MINURSO operations, and the steps taken to address them.

28. With regard to its mandate, the Secretary-General informed that there had been no change in the challenges that MINURSO was facing. The parties had developed significantly different interpretations of the mandate. Morocco defined MINURSO as a mainly military peacekeeping operation active for the most part along the berm,

while Frente Polisario expected MINURSO to monitor the welfare and human rights of the population throughout the Territory. Those differing views had continued to define the operational environment and had resulted in frustration and criticism from both sides. One side asserted that MINURSO was seeking to do too much, and the other that it was doing too little. Challenges relating to the security situation in the Mission area of responsibility also had not decreased during the reporting period. The security of MINURSO personnel was a growing concern.

29. The Mission's monitoring and reporting of violations of military agreement No. 1 had continued to suffer from challenges reflecting a general absence of precise ceasefire terms and the Mission's lack of authority to prevent or rectify non-compliance. The Mission efforts to clarify to the parties its reading of the text notwithstanding, varying interpretations of the agreement continued on the basis of differing readings of its specific provisions. Morocco had suggested some specific changes to military agreement No. 1, and Frente Polisario has also indicated that it viewed some provisions as being in need of review. MINURSO would continue to seek common ground for mutually agreed revisions of the agreement.

30. The Secretary-General informed that differing interpretations of the mandate remained a challenge to MINURSO substantive civilian activities. The Mission meetings with interlocutors and political reporting were conducted within the limits set by the differing understanding of the nature of the Mission. The Mission remained limited in its ability to provide truly independent reporting on developments to the Council and the Secretariat.

31. In his observations and recommendations, the Secretary-General pointed out that during the reporting period, difficulties had continued to hinder progress towards a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara. In 2012, only one round of direct talks had been held under the mediation of his Personal Envoy. By the end of the reporting period, the negotiating process remained at a stalemate because the two parties had refused to move beyond presenting and defending their respective proposals.

32. The Secretary-General noted that the rise of instability and insecurity in and around the Sahel region required an urgent settlement of the Western Sahara conflict, urged the parties to engage in genuine negotiations with the assistance of his Personal Envoy and informed that his Personal Envoy would continue to encourage further improvement in relations between Morocco and Algeria. He also expressed his belief that people-to-people dialogue could help bridge the gap between Western Saharans, bring their needs and desires more to the fore and contribute positively to the negotiating environment.

33. The Secretary-General stressed the critical importance of addressing the Western Sahara conflict as part of a broader strategy for the Sahel region. He further noted his conviction that regional integration, particularly through reinforcement of the Arab Maghreb Union, was a key element in overcoming the current instability and reaping important economic, commercial and social benefits.

34. The Secretary-General noted that the issue of human rights remained important for any resolution of the conflict and that all parties were responsible for ensuring the protection of human rights, and he urged them to pay more attention to the issues being raised and promote a culture of human rights.

35. The Secretary-General noted that new challenges now require an equal measure of increased monitoring by MINURSO military observers. He reiterated his call to the parties to establish direct cooperation and communication through a joint military verification mechanism to discuss allegations of violations and other issues of common interest.

36. With regard to the confidence-building measures programme, the Secretary-General pointed out that the exchange visits remained the best way of keeping families connected, and also noted the successful inter-Saharan cultural seminars and the parties' commitment to continue constructive cooperation with UNHCR in order to alleviate the divisive effects of the conflict.

37. The Secretary-General welcomed the continued progress made in the clearance of land mines and explosive ordnances of war, commended the constructive discussions held by each party with the United Nations Mine Action Service on the implementation of international mine action standards on both sides of the berm and called upon donors to support the efforts towards demining in Western Sahara.

38. The Secretary-General also noted that MINURSO had maintained its ceasefire monitoring function and that its presence on the ground had played an important role in deterring the parties from breaking the ceasefire agreement or resuming hostilities. It had made good progress in demining and clearing vast areas of the Territory, and had effectively facilitated the family visits programme under UNHCR auspices.

39. The Secretary-General believed that the presence of MINURSO remained relevant (a) as an instrument of stability in the event that the political stalemate continues; (b) as a mechanism to support the implementation of successive Security Council resolutions related to the mandate of MINURSO; and (c) to provide independent information on the conditions on the ground to the Security Council, the Secretariat and the international community. He therefore sought the assistance of the Council in reasserting the mandated role of MINURSO, upholding peacekeeping standards and United Nations neutrality and ensuring that the conditions for the successful operation of the Mission were met. He also called on both parties, Morocco and the Frente Polisario, to cooperate fully with MINURSO in achieving these objectives. In this context, and in the light of the continuing efforts of his Personal Envoy, he recommended that the Council extend the mandate of MINURSO, with a modest increase of 15 military observers and 6 United Nations police officers to the authorized strength, for a further 12 months, until 30 April 2014.

II. Consideration by the Security Council

40. Following consideration of the report of the Secretary-General on the situation concerning Western Sahara (S/2013/220), on 25 April 2013, the Security Council unanimously adopted resolution 2099 (2013), by which, among other things, it reaffirmed the need for full respect of the military agreements, called upon all parties to cooperate fully with the operations of MINURSO and to ensure the security of, as well as unhindered and immediate access for, United Nations and associated personnel in carrying out their mandate, called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, and to

continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in that respect. The Council decided to extend the mandate of MINURSO until 30 April 2014.

III. Consideration by the General Assembly

41. During the general debate of the General Assembly at its sixty-eighth session, a number of representatives referred to the question of Western Sahara in their statements. During the debate from 8 to 10 October 2013, the Special Political and Decolonization Committee (Fourth Committee) heard statements by 71 petitioners on the question of Western Sahara (see A/C.4/68/SR.4, 5 and 6). On 10, 11 and 14 October 2013, Member States addressed, among other things, the issue of Western Sahara. Some of them strongly supported the right of the Saharawi people to self-determination, reaffirmed their support for the relevant Assembly and Security Council resolutions, and the efforts of the Secretary-General and his Personal Envoy for Western Sahara, and stressed the importance of expanding the mandate of MINURSO to include a human rights component. Others believed that the autonomy plan by Morocco offered a realistic and viable option that could provide the best prospect for achieving a mutually acceptable solution to the question (see A/C.4/68/SR.6, 7 and 8).

42. At its 8th meeting, on 14 October 2013, the Committee approved without a vote the draft resolution entitled "Question of Western Sahara" (A/C.4/68/L.5), submitted by the Chair.

43. On 11 December 2013, the General Assembly adopted the draft resolution without a vote, as resolution 68/91. In that resolution, the Assembly, among other things, welcomed the commitment of the parties to continuing to show political will and working in an atmosphere propitious to dialogue; welcomed the ongoing negotiations between the parties; called upon the parties to cooperate with the International Committee of the Red Cross, and called upon them to abide by their obligations under international humanitarian law; requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its sixty-ninth session; and invited the Secretary-General to submit to the Assembly at its sixty-ninth session a report on the implementation of the resolution.



General Assembly

Distr.: General
4 February 2014

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

Contents

	<i>Page</i>
The Territory at a glance	3
I. Constitutional and political developments	5
A. Local self-governance	5
B. Referendum process	6
II. Economic conditions	7
A. General economic overview	7
B. Assistance by the administering Power to Tokelau	7
C. Transport and communications	8
D. Power supply	8
III. Social conditions	9
A. General	9
B. Education	9
C. Health care	10

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 e of the Charter of the United Nations. Information was transmitted by the administering Power on 28 January 2014. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.



IV. External relations	11
V. Future status of the Territory	11
A. Position of territorial Government	11
B. Position of administering Power	12
C. Consideration of the question by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	13
D. Consideration of the question by the Special Political and Decolonization Committee (Fourth Committee)	14
E. Action taken by the General Assembly	14

The Territory at a glance

Territory: Tokelau is a Non-Self-Governing Territory under the Charter administered by New Zealand.

Representative of administrative Power: Administrator Jonathan Kings.

Geography: Tokelau comprises three small atolls: Fakaofu, Nukunonu and Atafu. Each atoll comprises strips of land up to 200 m wide and not more than 5 m above sea level. Samoa, located 480 km to the south, is the nearest sizeable neighbour and the principal point of contact for Tokelau with the outside world.

Land area: 12.2 km².

Exclusive economic zone: 318,990 km².^a

Population: 1,411 (October 2011 census), as follows: Atafu — 482, Fakaofu — 490, Nukunonu — 397 and Samoa — 42 (Tokelau Public Service employees and their immediate families). Over 6,800 Tokelauans live in New Zealand. As New Zealand citizens, Tokelauans may also reside in Australia.

Ethnic composition: Tokelauans are Polynesians with linguistic, family and cultural links with Samoa.

Languages: Tokelauan. English and Samoan are also widely used.

Capital: None. Each atoll has its own administrative centre.

Head of territorial Government: Ulu-o-Tokelau. The position rotates among the leader of each atoll on an annual basis.

Main political parties: None.

Elections: Held in January every third year. The last election was held on 23 January 2014; the next one is due to be held in January 2017. Representation in the General Fono currently stands at Atafu (7 delegates), Nukunonu (6) and Fakaofu (7).

Legislature: The unicameral General Fono, a 20-member legislature.

Economy: The principal source of revenue is assistance provided by New Zealand. Additional revenue is generated by fisheries licence fees and sales of copra, postage stamps, souvenir coins and handicrafts.

Monetary unit: New Zealand dollar (\$NZ).

Gross domestic product per capita: US\$ 1,007 (2001-2008 estimates).

Brief history: Originally inhabited by Polynesians from surrounding islands, Tokelau became a British protectorate in 1889, and in 1925, administration was transferred to New Zealand. By the Tokelau Act 1948, sovereignty over Tokelau was transferred to New Zealand.

²⁴ Exclusive economic zone data from J. D. Bell, J. E. Johnson and A. J. Hobday, *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change* (Noumea, Secretariat of the Pacific Community, 2011). Available from www.spc.int/climate-change/fisheries/assessment/e-book.

I. Constitutional and political developments

A. Local self-governance

1. As reported in previous working papers on the question of Tokelau (see A/AC.109/2002/6, A/AC.109/2003/10, A/AC.109/2004/8, A/AC.109/2005/3, A/AC.109/2006/10, A/AC.109/2007/11, A/AC.109/2008/1, A/AC.109/2009/2, A/AC.109/2010/3, A/AC.109/2011/3, A/AC.109/2012/1 and A/AC.109/2013/2), the current process of constitutional development stems from the 1998 decision of the General Fono (the national representative body of Tokelau) to endorse a comprehensive report entitled "Modern house of Tokelau", which addressed the core issue that faced Tokelau in creating a constitutional framework that suited an atoll- or village-based self-governing community that respected traditional decision-making customs.

2. In accordance with the terms of the 1998 "Modern house of Tokelau" report, General Fono delegates are now elected on the basis of proportional village representation with delegates elected through universal village suffrage, rather than a system of equal village representation with delegates appointed by the respective Village Councils, as was previously the case. In 2004, further decisions were made on the method of appointment of the Chair of the General Fono and on the role and responsibilities of the six-person Council of Ongoing Government, which is the executive Government when the General Fono is not in session. The Council consists of three Faipule (representative of each village) and three Pulemuku (mayor of each village). The position of Ulu-o-Tokelau, or Head of Government, rotates annually among the three Faipule. In February 2013, the Faipule for Nukunonu took over as Ulu. In February 2014, the Faipule for Atafu is expected to rotate into the position.

3. In its most recent election on 23 January 2014, Tokelau elected its new General Fono (Parliament), which represents the three atolls of Tokelau (Fakaofu, Atafu and Nukunonu). Two of the three sitting Faipule and one of the three Pulemuku lost their seats. In all, 9 of the 20 positions in the General Fono went to new candidates. Three of these positions are held by women, who each represent the Fatupaepae (Women's Committee) on each atoll. Overall the composition of the General Fono is that of a younger, less traditional Tokelau.

4. Since 2004, the three Village Councils have taken full responsibility for all village public services. That decision emanated from the Modern House of Tokelau approach, whereby the traditional Council of Elders on each atoll should serve as the foundation for any future governance structure. Under that arrangement, the three Village Councils would delegate authority to the General Fono for activities that needed to be handled at the national level (see A/AC.109/2005/3). The New Zealand official with principal responsibility for relations with Tokelau is the Administrator of Tokelau, who is based in Wellington and is appointed by the New Zealand Minister for Foreign Affairs.

5. Jonathan Kings is the current Administrator of Tokelau and works from within the Ministry of Foreign Affairs and Trade in the Special Relations Unit, which is responsible for New Zealand's relationship with Tokelau (as well as with Niue). The Unit is staffed by officers of the Ministry of Foreign Affairs and Trade. A member of the Tokelau Public Service works in the Office of the Administrator.

B. Referendum process

6. In 2003, the General Fono took a formal decision, with the support of all three Village Councils, to endorse self-government in free association with New Zealand as the choice to be actively explored with the New Zealand Government. In August 2005, the General Fono approved a draft constitution as the basis for the proposed act of self-determination, as well as the text of a draft treaty of free association between Tokelau and New Zealand. In November 2005, the New Zealand Cabinet gave its formal approval. The so-called referendum package, consisting of the draft treaty and the draft constitution, was to form the basis of the referendum on self-determination. In line with a decision by the General Fono, an overall majority of two thirds of the valid votes cast was required for a change to the status of Tokelau.

7. The first referendum on self-determination was held sequentially in Apia and on the three atolls from 11 to 15 February 2006 (see A/AC.109/2006/20). The outcome of the referendum fell short of the required two-thirds majority, with 60 per cent of valid Tokelauan votes cast in favour of self-government in free association with New Zealand. The United Nations, which formally monitored the referendum, deemed the process credible and reflective of the will of the people of Tokelau. A representative of the Special Committee on Decolonization, accompanied by a Political Affairs Officer of the Department of Political Affairs of the Secretariat, also observed the referendum process.

8. In August 2006, the General Fono voted to hold a second referendum on Tokelauan self-determination in late 2007. The proposed constitution and the draft treaty, commonly referred to as the self-determination package, were to be the same and the legal threshold for acceptance of the proposal would remain at a two-thirds majority.

9. The second referendum was held from 20 to 24 October 2007. The result, with 64.4 per cent in favour, was again below the two-thirds threshold, thereby leaving the status of the Territory unchanged (see A/AC.109/2007/19). As with the first referendum, the United Nations formally monitored the voting, with representatives of the Special Committee on Decolonization and the Department of Political Affairs present as observers.

10. Following the results of the second referendum, the General Fono requested the Government of New Zealand to keep on the table the entire self-determination package (namely, the draft treaty and draft constitution that had been agreed upon and had served as the foundation for the previous ballots). The Council for the Ongoing Government noted that Tokelau could in the future change the two-thirds majority threshold for the referendum, but should put in place measures to ensure that a threshold was supported by a clear majority in each village to guarantee unity. The Council for the Ongoing Government also noted Tokelau's strong commitment to self-determination and its wish to have a constitution, albeit one that did not encompass the free association self-government provisions.

11. The outcomes of the referendums, neither of which reached the threshold of support set by Tokelau's General Fono for a change of status, have been acknowledged and accepted by New Zealand. As a follow-up to the 2007 referendum result, the then Prime Minister of New Zealand met with Tokelau's leaders in February 2008 to discuss the next steps in the New Zealand-Tokelau relationship. It was agreed that a "pause" should be taken in Tokelau's self-determination efforts and that, in the meantime, Tokelau would focus on meeting its basic needs. This remains the situation.

II. Economic conditions

A. General economic overview

12. Tokelau faces major constraints on its economic growth, including such natural disadvantages as small size, isolation, wide spread of the atolls, lack of natural resources and natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power. With the continued assistance of New Zealand, the Council for the Ongoing Government of Tokelau intends to maintain its focus on implementing various priority projects relating to infrastructure, the delivery of core services and shipping; developing the villages; and strengthening the General Fono, the Council for the Ongoing Government of Tokelau and the Tokelau Public Service.

13. Tokelau has a unique combination of traditional and modern income resource streams. With Government funding, many villagers are paid regularly for various village duties ranging from construction and boat-loading to assistance to the General Fono and other public entities. As part of the new Tokelau fisheries policy aimed at maximizing the economic benefits from the sustainable use of its exclusive economic zone (EEZ), Tokelau joined the Vessel Day Scheme, a mechanism allowing vessel owners to purchase and trade days fishing at sea in places subject to the Nauru Agreement. The scheme is used to constrain and reduce catches of target tuna species and increase the rate of return from fishing activities through access fees paid by distant water fishing nations. At the request of Tokelau, the Administrator has completed all formalities in order to manage the EEZ for the next three years, until Tokelau can take this over.

14. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the *inati* system and the importance attached to upholding the concept of the family and/or the extended family. The tradition of *inati* requires the deposit at a central location of food and produce, which are then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that addresses the needs of every member of the community, including the elderly, widows, single parents and children.

B. Assistance by the administering Power to Tokelau

15. In 2011, New Zealand and Tokelau signed a Joint Commitment for Development, which set out joint priorities for the following five years. The focus for development assistance remains securing a viable transport solution, developing a strong fisheries resource and improving health and education standards. Both Tokelau and New Zealand have reaffirmed their commitment to activities and projects that can be viably established and maintained.

16. Assistance is provided through budget support and through specific projects. New Zealand budget support for Tokelau for the 2012/13 financial year was \$NZ 11.7 million. Key projects include transport (charter of the *PB Matua* and the design of a long-term shipping solution); renewable energy; and ship-to-shore equipment and infrastructure. Taking into account budget support and specific projects, total funding for 2013/14 is estimated to be in the vicinity of \$NZ 30 million.

17. The Tokelau International Trust Fund, formally established in November 2004, is designed to provide intergenerational security and an independent source of income to Tokelau in the future. With contributions from Australia, New Zealand, Tokelau and the United Kingdom of Great Britain and Northern Ireland, the level of the Fund now stands at approximately \$NZ 75.2 million (estimated as at November 2013).

C. Transport and communications

18. Tokelau has no airstrips and its main transportation option is provided by regular passenger and cargo services between Apia and Tokelau, primarily on the *PB Matua*, which was chartered by the Administrator of Tokelau in 2012. Additional charters by larger vessels are occasionally funded to meet the transport needs of Tokelau. Recognizing the quality of the transport service linking Tokelau's atolls and providing contact with Samoa lies at the heart of its ongoing viability, New Zealand, as the administering Power, is constructing a new ferry that will carry up to 60 passengers and essential cargo. The ferry is based on specifications designed to meet the specific needs of the people of Tokelau. It is highly efficient, and will meet the highest international passenger safety standards. It is expected to meet the needs of Tokelau for the next 25 years. New Zealand is also assisting Tokelau to ensure the safe and efficient transfer of passengers and cargo from ship to shore. This includes the provision of new barges, safety equipment, training and upgrades to wharf infrastructure.

19. The telecommunications networks (telephone and Internet) of Tokelau are slow and perform poorly. There is no mobile phone network. New Zealand is working with the World Bank to undertake a comprehensive assessment of Tokelau's telecommunication infrastructure, along with its governance and management, with a view to assisting Tokelau to seek the best solution to improve its telecommunications. This is expected to have wide benefits, including in education, health, governance and economic development.

D. Power supply

20. In 2012, Tokelau became the first nation in the world to use only renewable energy following the completion of the Tokelau Renewable Energy Project, funded by the Government of New Zealand. A renewable energy system comprising a large array of solar panels, home solar panels, solar hot-water systems and generators running on biofuel derived from coconut oil was installed, making Tokelau entirely reliant on renewable energy for its electricity supply.

21. As a Pacific Island highly influenced by climate change, Tokelau sees its lead in renewable energy as an example to the developed world. It is expected that the country will generate savings on diesel of around \$NZ 1 million annually.

III. Social conditions

A. General

22. In May 2012, Statistics New Zealand and the Tokelau Statistics Unit released the final outcome of the five-yearly population census held on 18 October 2011. The main findings of the 2011 Tokelau Census of Population and Dwellings were detailed in the previous working paper (see A/AC.109/2013/2).

23. According to the Tokelau National Statistics Office, a population count was undertaken in December 2013, primarily to collect the number of de jure usual residents in order to satisfy the requirements of the Constitution of Tokelau. A count of the population has to be undertaken in the year prior to a national election, in order to determine the number of delegates that can be elected for the General Fono. The final population counts showed that the de jure usually resident population was 1,383; the usually resident population present on the night of the count was 1,110; and the usually resident population absent from Tokelau on the night of the count was 273 (comprising 47 Tokelau public service employees and their immediate families based in Apia, and 226 people who normally live in Tokelau but were overseas on the night of the count). The population count definitions can be found in the previous working paper (see A/AC.109/2013/2).

B. Education

24. Under the Tokelau compulsory education system, primary and secondary education is available to everyone up to the age of 16. There are three schools on Tokelau, one on each atoll. As one of the owners of the University of the South Pacific (USP), Tokelau has access to a distance-learning foundation course run by the University's educational telecommunications system through a USP campus located on Atafu. In spite of significant funding for education over many years, education standards on the atolls remain relatively low. This was recently confirmed in a report of the New Zealand Government Education Review Office. This is a key reason why significant numbers of families leave the atolls to seek improved educational opportunities for their children in New Zealand, Samoa and elsewhere. A major infrastructure renewal programme is ongoing in Tokelau, which includes the provision of new schools in Atafu and Fakaofo. Efforts have also been devoted to curriculum development, the training of principals and senior staff and the extension of secondary schooling in 2009 to cover year 13. However, following the Education Review Office report, New Zealand is considering how it might further support improvement in Education standards.

25. According to the review of the Secretariat of the Pacific Board for educational assessment conducted for the Secretariat of the Pacific Community in 2013, Tokelau is challenged by its size and remoteness in ensuring the delivery of education, and the teaching workforce is largely untrained and very mobile, which impedes the sustainability of teacher professional development. The report also highlighted other key issues such as Tokelau's limited connectivity, which limits online and videoconferencing options for study and professional development, and the limited course offerings for Tokelau students in the USP preliminary course.

C. Health care

26. The provision of adequate health services to the populations of three dispersed atolls remains a major challenge for Tokelau. Each atoll has a basic health centre that is staffed and equipped to deliver core medical care and related services. Considerable attention and funding are devoted to this core area of Tokelau's needs. As part of a major infrastructure renewal programme, a new health centre on Nukunonu was recently completed, and is expected to make a strong contribution towards improved health outcomes.

27. The major non-local sources of contributions to health care are the Government of New Zealand, the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the United Nations Population Fund and the United Nations Development Programme (UNDP), as well as the Government of Australia and the Secretariat of the Pacific Community. The priorities of the national health plan, which is directly linked to the Tokelau National Strategic Plan 2010-2015 are: (a) healthy islands and communities; (b) healthy lifestyles; (c) development of health partnerships; (d) development of accessible primary health-care services; (e) successful community participation; and (f) development and improvement of the health-service system.

28. According to data from WHO, while the overall health status is reasonably good, changes have been observed in the past 20 years. Non-communicable diseases, namely overweight and obesity, are the major threat, with cerebrovascular and cardiovascular diseases being the leading causes of death. Obesity is common and is attributed to diet and physical inactivity. There is an observable diet shift away from local foods towards imported foods. Tobacco and alcohol consumption are relatively high among the adult population and more prominent in males. The estimated smoking prevalence among adults in 2011 was 43 per cent. There are initiatives under way to improve education on the atolls around diet. Tokelau health officials are currently conducting a health review, which is hoped will lead to further improvements.

29. Tokelau has zero infant and maternal mortality owing to early referral. Antenatal care coverage and immunization coverage for child immunization is 100 per cent. Screening programmes are in place for early detection and treatment of important health issues (cervical cancer, breast screening). The proportion of the population with access to improved sanitation facilities is 93 per cent. Access to improved drinking-water sources is available to 97 per cent of the population.

30. In November 2012, WHO issued the WHO Multi-Country Cooperation Strategy for the Pacific 2013-2017, aimed at addressing the three common threats to the health of Pacific peoples. The strategy identifies common challenges in the Pacific region, outlines steps to address them and identifies five priority areas. For the first time, technical cooperation with each of the countries and territories in the Pacific is described.

31. In the case of Tokelau, four strategic priorities for collaboration between WHO and the territorial Government were identified: reduce the effects of non-communicable diseases through a variety of interventions such as food import control, implementing the WHO Framework Convention on Tobacco Control and implementing the WHO package of essential non-communicable disease interventions; increase health sector focus on climate change, supporting the health

sector in implementing health system strengthening activities to address key climate-sensitive health risks as part of a suite of climate change adaptations in Tokelau; develop human health resources for the future to ensure qualified staff for three Tokelau atolls; and create sustainable policies for the retention and development of health workers to maintain adequate levels of staffing in the health programmes.

IV. External relations

32. As set out in paragraphs 9 and 10 of the Principles of Partnership statement, Tokelau as a Non-Self-Governing Territory has insufficient international legal personality to enter into formal international legal obligations as a State in its own right. New Zealand is responsible for entering into any such obligations on behalf of Tokelau, after consulting with Tokelau as to its wishes. Tokelau participates in regional and international organizations in its own right to the extent that those organizations provide for such participation.

33. Tokelau is seeking to grow its engagement with regional and international organizations. Tokelau is a member of the Secretariat of the Pacific Community, the Pacific Community Coastal Fisheries Programme, the Council of the University of the South Pacific, the South Pacific Regional Environment Programme and the Pacific Islands Forum Fisheries Agency. It holds observer status with the Pacific Islands Forum, and is an associate member of the Pacific Community Applied Geoscience Commission. Tokelau is also an associate member of WHO, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Food and Agriculture Organization of the United Nations (FAO). In addition to its relationship with New Zealand, Samoa is an important bilateral contact for Tokelau. Tokelau attended the United Nations Conference on Sustainable Development in June 2012.

V. Future status of the Territory

A. Position of territorial Government

34. Speaking at the 2013 Caribbean regional seminar in Quito, the Ulu-o-Tokelau noted that Tokelau was still not eligible for many of the United Nations funds available under the small island developing States development programmes, such as the Global Environment Facility (GEF). Tokelau had not been able to obtain membership of the Alliance of Small Islands States, the International Renewable Energy Agency and small island developing States. Further, the Ulu-o-Tokelau presented two suggestions: (i) the Special Committee on Decolonization should actively explore the needs of each of the territories and determine whether their capacity to engage internationally was limited or compromised by virtue of their current political status; (ii) the Special Committee on Decolonization should revisit the three self-determination options in relation to the wishes of the Territories as to the type of government they would aspire to under an act of self-determination. He noted that all three options had their difficulties and that it would be worthwhile for the Territories to understand these options and the strategies that may be used to manage them, and hence provide greater incentive to move towards greater autonomy.

35. Speaking at the June 2013 session of the Special Committee, the Ulu-o-Tokelau reiterated the position of Tokelau on seeking the support of the Special Committee to explore options to allow territories, fully supported by the administering Powers, to fully engage United Nations bodies such as the Economic and Social Commission for Asia and the Pacific, GEF and others (e.g., the Alliance of Small Islands States, the International Renewable Energy Agency and small island developing States). The Ulu-o-Tokelau believed that the specific provision in General Assembly resolution 2625 (XXV) supported this aspiration. He stated that Tokelau sought the ability to be able to improve the quality of life for its people; it did not ignore New Zealand's support, but wished to reduce the burden Tokelau may pose to it. In the light of the financial challenges of New Zealand, Tokelau wished to work closely with other development partners, such as UNDP, UNESCO, WHO, UNICEF and FAO and key regional organizations. He further briefed the Special Committee on the four pillars of the Tokelau National Strategic Plan: governance, infrastructure development, human development and sustainable development. He noted that Tokelau was examining and developing a model of government structure that fit the culture and addressed the contemporary landscape. The Ulu-o-Tokelau also informed the Special Committee about the approval of the national symbol, which, along with the constitution, the national anthem and the national flag, was driven and ratified by the people of Tokelau. The constitutional consultations to discuss the structures and functions of the Government had been concluded and their outcome would be submitted to the Constitution Committee. The issues discussed included: acknowledging the traditional role of the senior elders (Kauhauatea) within the parliamentary system; the introduction of a national election system; the tenure and appointment of the Ulu-o-Tokelau; the composition of the Cabinet or the Council; and the introduction to a new approach to the members of the Parliament or the Fono.

B. Position of administering Power

36. As the administering Power for Tokelau, New Zealand has continued to maintain and provide all appropriate support for Tokelau efforts to determine the will of its people for a possible change of status. New Zealand is appreciative of the inevitable resource and capacity constraints of Tokelau as a small atoll-based community and envisages long-term support for Tokelau. Successive Administrators and representatives of New Zealand to the United Nations have placed on record before the Special Committee and the Special Political and Decolonization Committee (Fourth Committee) full information about New Zealand support for Tokelau on this issue. This attitude towards the needs and aspirations of the people of Tokelau has been favourably acknowledged by those Committees on many occasions.

37. Addressing the Special Committee on 21 June 2013, Jonathan Kings, Administrator of Tokelau, underscored the pledge of New Zealand to work with the Special Committee to provide relevant and timely information on Tokelau. He recalled a referendum on self-determination in which the people of Tokelau signaled that the timing for transition to self-government was not yet right and stressed that core services had to be delivered first in order for conditions to be met for another referendum to be held. New Zealand remained fully committed to work with Tokelau and to overcome the problems of smallness, isolation and ~~lack of resources~~.

A significant step had recently been taken in achieving safe transport for Tokelau, a critical service providing a "life-line" to the Territory. He also noted that New Zealand remained the largest bilateral donor to Tokelau, which amounted to 75 per cent of the budget of Tokelau, and highlighted the Tokelau renewable energy projects and the construction of two new schools and hospital buildings. Additionally, it was important to acknowledge the assistance of the wider international community and the United Nations, particularly WHO and UNDP.

38. Addressing the Fourth Committee on 11 October 2013, the representative of New Zealand stated that the focus of the relationship between New Zealand and Tokelau had been on addressing the core services of the people living on the three atolls, following the decision by the leaders of Tokelau and New Zealand that there should be an appreciable period of time before Tokelau undertakes any further act of self-determination. New Zealand was Tokelau's largest donor, with economic support amounting to 75 per cent of the Territory budget. He further noted that fishing revenues to Tokelau had risen significantly through the efforts of Tokelau fisheries officials. At the request of Tokelau, the Administrator of Tokelau had taken on responsibility for managing Tokelau's exclusive economic zone. A solar photovoltaic renewable energy project had reduced diesel consumption by more than 80 per cent, with sustainable electricity meeting energy needs. Completion of the infrastructure development projects, which include two schools and a new hospital, would provide much improved health and education services. The assistance provided by the wider international community and members of the United Nations system, particularly UNDP, working through its regional office in Samoa, and WHO was also acknowledged. It was pointed out that the Governor-General of New Zealand, as a symbol of the enduring ties between Tokelau and New Zealand, presented the Badge of the General Fono of Tokelau to the Ulu-o-Tokelau, which depicts the national symbol of Tokelau, the Tuluma (a traditional Tokelauan carved wooden fishing tackle box). He concluded by underlining that the relationship between Tokelau and New Zealand continued to be framed by its strength and mutual respect. New Zealand remained respectful of the wishes of the people of Tokelau, and would continue to work closely with them as they chartered their own path and worked towards greater autonomy.

C. Consideration of the question by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

39. Speaking before the Special Committee on Decolonization on 10 June 2013, the representative of Papua New Guinea acknowledged the positive and continuing exemplary efforts in providing updated information to the United Nations by the Government of New Zealand as the administering Power with regard to Tokelau. This information and that from other relevant stakeholders, including the people of Tokelau, formed the basis of the draft resolution on the Territory which Papua New Guinea intended to sponsor at the sixty-eighth session of the General Assembly and to seek the support of the wider United Nations membership.

40. On 21 June 2013, the representative of Papua New Guinea, introducing the draft resolution on Tokelau (document A/AC.109/2013/L.15), pointed out that the presence at the meeting of both the Ulu-o-Tokelau and the administering Power

demonstrated yet again the willingness of both sides to work together with the Special Committee and the United Nations in general, to ensure the future well-being of the Tokelau people. Indeed, the ongoing excellent manner in which Tokelau and New Zealand had conducted their relationship was a "beacon of hope" showing what could be achieved when there was mutual understanding and respect between the Non-Self-Governing Territory and the administering Power. Urging Committee Members to support the draft resolution on Tokelau, he called it balanced, forward looking and fairly representative of the well-being of the Tokelau people.

D. Consideration of the question by the Special Political and Decolonization Committee (Fourth Committee)

41. Addressing the Special Political and Decolonization Committee on 11 October 2013, the representative of Papua New Guinea, also speaking on behalf of the Melanesian Spearhead Group, noted the continuing progress in the self-determination process in Tokelau. For its part, the representative of Palau also stated that the approach taken by New Zealand in helping the people of Tokelau towards self-determination was a good one and should be emulated by all administering Powers.

E. Action taken by the General Assembly

42. At its 65th plenary meeting, on 11 December 2013, the General Assembly adopted without a vote resolution 68/94 on the question of Tokelau.

43. Under the operative part of that resolution, the General Assembly:

1. *Acknowledges* the decision of the General Fono in 2008 that consideration of any future act of self-determination by Tokelau will be deferred and that New Zealand and Tokelau will devote renewed effort and attention to ensuring that essential services and infrastructure on the atolls of Tokelau are enhanced and strengthened, thereby ensuring an enhanced quality of life for the people of Tokelau;

2. *Welcomes* the progress made towards the devolution of power to the three taupulega (village councils) since 2004, and notes that further discussion is planned on the recommendations of the report on the devolution review, compiled in 2012;

3. *Notes* that Tokelau and New Zealand remain firmly committed to the ongoing development of Tokelau for the long-term benefit of the people of Tokelau, with particular emphasis on the further development of facilities on each atoll that meet their current requirements;

4. *Acknowledges* the adoption by Tokelau of its National Strategic Plan for 2010-2015 and that the Joint Commitment for Development between Tokelau and New Zealand 2011-2015 will focus on a viable transportation arrangement, infrastructure development, human resources capacity and the strengthening of governance;

5. *Also acknowledges* the ongoing and consistent commitment of New Zealand to meeting the social and economic requirements of the people of

Tokelau, including the completion of the Tokelau Renewable Energy Project and a new shipping charter service, as well as the support and cooperation of the United Nations Development Programme and the World Health Organization;

6. *Further acknowledges* Tokelau's need for continued support from the international community and Tokelau's desire to be able to gain access to resources from international organizations, such as the Global Environment Facility, and for active membership in such organizations as the Alliance of Small Island States and the International Renewable Energy Agency, in line with General Assembly resolution 2625 (XXV) of 24 October 1970;

7. *Recalls with satisfaction* the establishment and operation of the Tokelau International Trust Fund to support the ongoing needs of Tokelau, and calls upon Member States and international and regional agencies to contribute to the Fund and thereby lend practical support to Tokelau in overcoming the problems of smallness, isolation and lack of resources;

8. *Welcomes* the cooperative attitude of the other States and territories in the region towards Tokelau and their support for its economic and political aspirations and its increasing participation in regional and international affairs;

9. *Calls upon* the administering Power and United Nations agencies to continue to provide assistance to Tokelau as it further develops;

10. *Welcomes* the actions taken by the administering Power to transmit to the Secretary-General under Article 73 *e* of the Charter of the United Nations information regarding the political, economic and social situation of Tokelau;

11. *Also welcomes* the commitment of both Tokelau and New Zealand to continue to work together in the interests of Tokelau and its people;

12. *Commends* the completion of the first phase of the Tokelau Renewable Energy Project with the support of the administering Power;

13. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its sixty-ninth session.

44. At the same meeting, the General Assembly also adopted resolution 68/97, on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraph 6 of which refers to Tokelau.



General Assembly

Distr.: General
4 February 2014

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Anguilla

Working paper prepared by the Secretariat

Contents

	<i>Page</i>
The Territory at a glance	3
I. Constitutional, legal and political issues	4
II. Budget	4
III. Economic conditions	5
A. General	5
B. Tourism	5
C. Financial services	5
D. Agriculture and fisheries	6
E. Infrastructure	6
F. Transportation, communications and utilities	7
IV. Social conditions	7
A. General	7
B. Education	7

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73e of the Charter of the United Nations. Information was transmitted by the administering Power on 19 December 2013. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.



C. Public health	8
D. Crime and public safety	8
E. Human rights	9
V. Environment	9
VI. Relations with international organizations and partners	11
VII. Future status of the Territory	11
A. Position of the territorial Government	11
B. Position of the administering Power	11
C. Action taken by the General Assembly	12

The Territory at a glance

Territory: Anguilla is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Christina Scott (2013).

Geography: The Territory lies 240 km east of Puerto Rico, 113 km north-west of Saint Kitts and Nevis and 8 km north of Sint Maarten/Saint Martin. It has a relatively flat topography, with a few rolling hills rising to 213 ft.

Land area: 96 km². The main island has a maximum length of 26 km and a maximum width of 5 km.

Exclusive economic zone: 92,178 km².^a

Population: 15,700 (2013 estimate).

Languages: 99 per cent of the population speaks English. Spanish and Chinese are also spoken.

Capital: The Valley.

Head of territorial Government: Chief Minister Hubert B. Hughes.

Elections: Most recent: February 2010; next: 2015.

Main political parties: Anguilla United Front; Anguilla United Movement.

Legislature: House of Assembly.

Gross domestic product per capita: US\$ 13,000 (2012 estimate).

Economy: Tourism, financial services and remittances.

Main trading partners: United States of America and States members of the Caribbean Community.

Unemployment rate: 8 per cent (2012 estimate).

Monetary unit: East Caribbean dollar, pegged to the United States dollar at about EC\$ 2.70.

Brief history: Originally inhabited by the Arawaks, the Territory was colonized by British and Irish settlers in 1650 and was periodically associated with Saint Kitts and Nevis, as well as with various regional structures. In 1980, the Territory became a dependency of the United Kingdom.

^a Exclusive economic zone data from the "Sea Around Us" project, a collaboration between the University of British Columbia and the Pew Environment Group (see www.seaaroundus.org).

I. Constitutional, legal and political issues

1. According to the Anguilla Constitution Order, which came into force in 1982 and was amended in 1990, the Government of Anguilla consists of the Governor, the Executive Council and the House of Assembly. The Governor, appointed by the British Crown, is responsible for defence, external affairs, internal security (including the police and prison services), international financial services and their regulation, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult and act on the advice of the Executive Council. At the same time, the Order stipulates that the British Crown reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Anguilla.
2. The Territory's Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney General and the Deputy Governor). The Governor acts as Chair of the Council. The House of Assembly is elected for five-year terms and comprises the Speaker, not less than seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members appointed by the Governor, one upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate.
3. The general elections held in Anguilla on 15 February 2010 resulted in a change of government from the Anguilla United Front to the Anguilla United Movement under Hubert B. Hughes.
4. The law of Anguilla is the common law of the United Kingdom of Great Britain and Northern Ireland, together with all legislation inherited from the former associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and the local legislation enacted since. The law is administered by the Eastern Caribbean Supreme Court, an itinerant court based in Saint Lucia, which comprises a court of appeal and a high court of justice, courts of summary jurisdiction and a magistrates' court. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.
5. Discussions with the United Kingdom on a new draft constitution were expected to begin in 2010. In 2011, Anguilla set up a team headed by H. Clifton Niles to draft a new constitution. As previously reported, a draft text was presented to the Government in February 2012, containing changes in governance that could become features of an independent constitution. According to the administering Power, work on the draft is continuing.
6. According to media reports, in 2013 the new Governor indicated that, if there was a clearly expressed desire for independence, the Government of the United Kingdom would support that process and stood ready to have whatever discussions the people wanted.

II. Budget

7. The Governments of the United Kingdom and Anguilla have agreed upon a framework for fiscal responsibility and development, which was passed into Anguillan law in November 2013. It set out the commitment of the Government of

Anguilla to a balanced budget, borrowing guidelines and a medium-term fiscal plan for the management of public finances over the coming five years. In December 2013, the Chief Minister and Minister of Finance presented a budget of EC\$ 183.24 million in the House of Assembly for the operation of the Government in 2014. According to the administering Power, in 2013 the Government of the United Kingdom granted EC\$ 12 million to Anguilla for capital development projects, while the European Union provided €3.6 million in budget support.

8. In Anguilla, there is no income, estate, capital gains, corporation, value added or goods and services tax. The territorial Government continues to study this matter, in particular with regard to the impact of low taxation on the Territory's economy and public sector reserves. In 2013, under a property tax reform project, Anguilla undertook a property valuation exercise with a view to increasing revenue.

III. Economic conditions

A. General

9. According to estimates from the Eastern Caribbean Central Bank provided by the administering Power, the Territory's gross domestic product was projected to total some US\$ 281 million in 2013, compared with some US\$ 283 million in 2012, representing a decline in economic activity of 0.85 per cent.

10. The main industries in Anguilla are tourism, real estate, offshore incorporation and management, and banking. Tourism is the main source of economic growth. The economy continues to be affected by the global economy, international oil prices and weather conditions. According to the administering Power, economic recovery remains at the forefront of the Government's agenda.

B. Tourism

11. The Ministry of Finance, Economic Development, Investment, Commerce and Tourism is responsible for implementing the tourism master plan, while the Anguilla Tourist Board and the Anguilla Hotel and Tourism Association market and promote the Territory's tourism product.

12. According to information provided by the administering Power, as at early December 2013 a number of hotel development projects had begun, while others were at the mobilization stage.

C. Financial services

13. International financial services account for some 20 per cent of the gross domestic product of Anguilla. The Anguilla Financial Services Commission was established in 2004 as an independent regulatory body. As previously reported, it decided in 2012 to work with the Executive Council to set up a committee that would deal with the requirements of the United States Foreign Account Tax Compliance Act. According to the administering Power, the committee, chaired by an official of the Government of Anguilla, continued its work in 2013. Furthermore, Anguilla has signed the Convention on Mutual Administrative Assistance on Tax

Matters and has published an action plan on how to increase transparency in relation to the beneficial owners of companies in an effort to safeguard the integrity of its financial services sector.

14. In an assessment conducted for the Financial Secrecy Index in November 2013, however, the Territory was considered to be towards the top end of financial secrecy arrangements. It was noted that the Territory had still to make major progress in offering satisfactory financial transparency.

15. According to the administering Power, the Eastern Caribbean Central Bank decided in August 2013 to remove the boards of directors and senior management teams of the National Bank of Anguilla and the Caribbean Commercial Bank, appointing a conservator to improve the management of each bank. The banks, which account for three quarters of the assets of the Territory's entire banking system, are licensed by the Minister of Finance and are regulated by the Eastern Caribbean Central Bank.

D. Agriculture and fisheries

16. Agricultural activity in Anguilla is limited, owing to a combination of poor soil and irregular rainfall. Nevertheless, according to the administering Power, there has been recent renewed interest in farming on the island. Young farmers are investing in new and improved methods of vegetable and livestock production. Farmers are now not only supplying the local market outlets with their produce, but also exporting to neighbouring islands.

17. The territorial Government estimated the total fish catch in 2012 to be about 706 tons, valued at some EC\$ 21 million. Fishing is significant to the livelihoods of many Anguillans, directly employing 250 to 300 people, with many more fishing on a subsistence basis. As previously reported, Anguilla is using less than one quarter of its exclusive economic zone to the north of the island. In 2013, the administering Power decided to provide assistance to the Government of Anguilla in investigating whether commercial fisheries might be established in the Territory.

E. Infrastructure

18. Anguilla has approximately 175 km of public roads, 80 per cent of which are paved. According to the administering Power, infrastructure development continues to be low as a result of the recent economic downturn. In 2013, some US\$ 1 million was spent on a new road in The Valley.

19. The Anguilla Air and Sea Ports Authority, a semi-autonomous self-sustaining entity, manages the operations of the airport and seaports on a commercial basis. Clayton J. Lloyd International Airport, situated on the outskirts of The Valley, is the only airport on the island and serves both commercial and private aircraft, including a fixed-base operator facility. There are flights to and from the international airports of Antigua, Sint Maarten and Puerto Rico.

F. Transportation, communications and utilities

20. Taxis are the only form of public transport in Anguilla, but car rental is widely available. Anguilla has a modern internal telephone system with multiple external gateways, including several microwave relays to Sint Maarten/Saint Martin, and a fibre landing point on Tortola for international calls, with competition in mobile, landline and Internet services.

21. As previously reported, a study commissioned by the Government for the integration of renewable energy into the energy profile of the island recommended in October 2012 that the Territory's laws and regulations should be updated in order to enable renewable energy to be interconnected to the electricity grid. According to the administering Power, work continues on the road map and the action plan for the implementation of the recommendations. The Territory's privately owned utility company is exploring the possibility of investing in a waste-to-energy renewable energy plant.

IV. Social conditions

A. General

22. The social security scheme of the Territory is overseen by the Anguilla Social Security Board. In 2013, the Department of Social Development was able to offer all its major services to the public, the continued implementation of austerity measures notwithstanding. According to the administering Power, for the period from January to October 2013, 130 persons received public assistance for a total of ECS 581,000. In the same period, 281 persons benefited from a medical exemptions scheme valued at approximately ECS 2.2 million. Similarly, contributions to needy families in the form of food vouchers totalled approximately ECS 20,650. The use of those social services demonstrates that, while no segment of the Territory's population is considered indigent, the vulnerable population, in particular children, depends heavily upon the Government to meet its basic needs.

23. In 2013, a safeguarding child project was expanded to include a media campaign with specific outreach to children and to the Spanish-speaking community. According to the administering Power, all front-line police officers received domestic violence training, which included specific training on handling cases involving children.

B. Education

24. In Anguilla, education is free and compulsory between the ages of 5 and 17 years, benefiting some 2,700 pupils. The Department of Education provides continuing professional development for all teachers, with emphasis on supporting new teachers. According to the administering Power, in 2013 a newly established vocational training centre began to offer courses in electrical installation, automotive repair, plumbing, refrigeration and air conditioning.

25. In addition, the Department and the Open Campus of the University of the West Indies provide tertiary education in Anguilla, offering primary and secondary

teacher training and basic skills training programmes. According to the media, a private medical school based in the United States of America with a basic science campus in the Territory offers a doctoral degree in medicine. The Anguilla Community College offers a postgraduate diploma in teacher education and associate degrees in hospitality and business. Vocational and continuing education and professional development programmes are also available. Citizens from overseas territories benefit from the home student fee rate at British universities. In November 2013, the Council of the European Union adopted a decision on the association of the overseas countries and territories with the European Union that provides for access to, among others, horizontal European Union funds, such as those for higher education and vocational education.

C. Public health

26. The Health Authority of Anguilla is responsible for all primary, secondary and personal health-care services. There are three health districts in the Territory, featuring four health centres, one polyclinic and one hospital, the Princess Alexandra Hospital. Cases requiring major surgery are usually evacuated to a neighbouring island.

27. The Ministry of Social Development regulates and monitors the public and private health sectors, including the Health Authority, and carries out policymaking and regulatory functions. The Territory's health sector priorities are set out in the strategic plan for 2009 to 2014 and include the strengthening of primary and secondary health-care services. The 2013 budget provided for approximately EC\$ 16 million for the Health Authority. According to the administering Power, nearly EC\$ 2 million was spent on medical treatment overseas from January to October 2013.

28. In 2013, Anguilla received support from the Pan American Health Organization to increase disease surveillance and laboratory services to help to strengthen public health systems, including at the Sandy Ground and Blowing Point ports. Since its establishment in 2012, a non-communicable disease commission has been working on developing a non-communicable disease policy and action plan for the Territory.

D. Crime and public safety

29. According to information provided by the administering Power, Anguilla has a low crime level. As a result of gun-related crime, however, several initiatives have been launched, including on gang activity, in addition to various community-based activities. With the constitution of a parole board and the passage of the amendments to the parole legislation, the Board received 13 applications for parole from prisoners in 2013, leading to the first-ever parole hearings held in Anguilla and an alleviation of the overcrowding in the Territory's prison.

30. The Financial Intelligence Unit continues to function as the Territory's money-laundering reporting authority. The Financial Crime Investigation Unit carries out a wide variety of financial crime investigations, including all money-laundering and civil recovery cases. According to the administering Power, in 2013 the police recruited a detective inspector with experience in the field to head the Unit.

31. In addition, in 2013 the United Kingdom funded a law enforcement adviser based in Miami, United States, who coordinates, manages and facilitates training and strategic advice to introduce new techniques and skills for the Territory's law enforcement agencies. Furthermore, *HMS Lancaster* and Royal Fleet Auxiliary *Wave Knight* were on patrol in the Caribbean and North Atlantic to provide disaster relief and humanitarian assistance as needed. They were also engaged in counter-narcotics and interdiction patrols. Both ships made reconnaissance visits to the Territory to improve their coordination with local disaster management bodies.

E. Human rights

32. The Territory's Constitution provides that every person in Anguilla is entitled to life, liberty, security of person, the enjoyment of property, protection of the law, freedom of conscience, expression and peaceful assembly and association, and respect for his or her private and family life. The Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination have been extended to Anguilla. The European Convention on Human Rights also applies to Anguilla, with individuals having the right to bring cases to the European Court of Human Rights where no other remedy exists in the Territory. According to information provided by the administering Power, the Government of Anguilla is working towards requesting the extension of the Convention on the Elimination of All Forms of Discrimination against Women to the Territory.

V. Environment

33. According to the administering Power, Anguilla faces a decline in marine ecosystem health and integrity, given that some 90 per cent of near-shore hard corals have been lost in the past two decades. A 50 per cent decline in seagrass bed cover has been recorded, along with a 60 per cent decline in near-shore coral reef fish populations.

34. The Department of the Environment, the Agriculture Department, the Department of Fisheries and Marine Resources, the Department of Health Protection and the Anguilla National Trust are the principal entities dealing with environmental issues, focusing in 2013 and 2014 on in situ research concerning coral reefs and coastal communities to help to determine how climate change affects reefs in Anguilla. In 2013, the Department of the Environment initiated an environmental economics project with a focus on a beach valuation for the tourism sector, while the Anguilla National Trust completed seabird nesting and breeding assessments of all the offshore cays on which seabirds are found and identified six new important bird areas, all of which are salt ponds, on the mainland. This brings the total number of important bird areas in Anguilla to 13 (from 7), including four offshore cays (Sombrero Island, Dog Island, Prickly Pear East and West and Scrub Island).

35. In January 2014, the Environmental Audit Committee of the House of Commons of the United Kingdom issued a report on sustainability in the United Kingdom overseas territories, in which it identified financial and institutional

concerns regarding threats to unique habitats and species and the protection of biodiversity.

36. In its report, the Committee stated that, during its inquiry, the Government of the United Kingdom had expressed general but unspecified aspirations to cherish the environment in the overseas territories, but had been unwilling to acknowledge or to address its responsibilities under United Nations treaties. That was found to be disappointing because the environment in the overseas territories was globally significant and comprised 90 per cent of the biodiversity for which the Government of the United Kingdom had responsibility. According to the Committee, the Government had failed to negotiate the extension of the Convention on Biological Diversity — the flagship United Nations policy on biodiversity protection — to all the overseas territories and had not ensured the accurate monitoring of biodiversity there. The Committee said that, in environmental terms, the white paper on the overseas territories published in 2012 was considered a missed opportunity.

37. Among the conclusions, the Environmental Audit Committee mentioned that:

(a) In the light of the international significance of the biodiversity in the overseas territories, 13 years was too long a gap between white papers on the overseas territories;

(b) The Government of the United Kingdom was prepared to exercise hard and soft power in relation to financial matters in the overseas territories, but it was apparently not prepared to exercise those powers to protect biodiversity and to promote environmental sustainability;

(c) The four overseas territories to which the Convention on Biological Diversity had been extended (the British Virgin Islands, Gibraltar, Saint Helena and the Cayman Islands) had not been effectively included in biodiversity reporting by the United Kingdom; it was felt that compliance with the stipulations of the Convention was ultimately a responsibility of the Government of the United Kingdom;

(d) Without enhanced monitoring, the Department for Environment, Food and Rural Affairs of the United Kingdom could not accurately report under the Convention on Biological Diversity on the full extent of biodiversity in the overseas territories and therefore measure progress towards the commitment to halt biodiversity loss by 2020.

38. With regard to Anguilla, the Committee mentioned, for example, that the Territory was not included in the ratification by the United Kingdom of the Convention on the Conservation of Migratory Species of Wild Animals. Furthermore, a physical planning bill that had been introduced in Anguilla in 2001 that would require basic planning controls had by December 2013 not been enacted. In addition, the Territory was said to lack baseline standards on development control, such as statutory environmental impact assessments for major developments and strategic development plans.

39. At the same time, the Committee indicated that an environmental mainstreaming initiative had been designed in 2012 to help territories to put environmental considerations at the heart of policymaking and decision-making. The project had been completed in Anguilla with funding from the United Kingdom. It focused on the value of diverse ecosystems in supporting territorial economies

and the need to take account of those values in economic and physical planning, drawing together a range of stakeholders to identify priorities. Completed projects had generated complementary support programmes involving economic assessments, training programmes, capacity-building and additional fundraising designed to allow policymakers to draw on a substantial environmental evidence base.

VI. Relations with international organizations and partners

40. Since 1998, the Territory has been an associate member of the Economic Commission for Latin America and the Caribbean. Since 2011, it has maintained a formal dialogue with the International Monetary Fund.

41. Anguilla participates in the Caribbean Community as an associate member. It is a member of the Caribbean Development Bank, the Caribbean Financial Action Task Force and the Caribbean Regional Fisheries Mechanism.

42. Anguilla participates in the work of the Organization of Eastern Caribbean States as an associate member, hosting in 2013 the annual meeting of environment ministers. It is a member of the Eastern Caribbean Central Bank.

43. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but is not a part of it. According to the United Kingdom, the Territory has yet to establish a relationship with the European Union in the context of the European Union Economic Partnership Agreement. As at January 2014, the Territory was a partner under the above-mentioned decision of the Council of the European Union, approved, among other things, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the Union in the wider world. Information on grant aid provided to the Territory by the European Union can be found in section II above.

44. The territorial Government cooperates directly with Caribbean Governments and participates in regional projects of various international organizations and agencies, including the Pan American Health Organization.

VII. Future status of the Territory

A. Position of the territorial Government

45. Developments in constitutional reform efforts involving the future status of Anguilla are referred to in section I above.

B. Position of the administering Power

46. On 11 October 2013, at the 7th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-eighth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was modern and based on partnership, shared values and the right of the people of

each territory to determine whether to remain British. Should the people of a territory choose to remain British, the United Kingdom would maintain and deepen its special relationship with them.

47. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with territory leaders into a joint ministerial council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the white paper (see A/C.4 68/SR.7).

48. At the second meeting of the Overseas Territories Joint Ministerial Council, held in London on 26 November 2013, the United Kingdom and overseas territory leaders agreed upon a communiqué that included the following passage setting out the joint position of the United Kingdom and the overseas territories on self-determination:

We reiterate our commitment to continuing to build a modern relationship based on partnership, shared values and the principle of self-determination. The people of each territory have the right to choose whether or not their territory should remain a British overseas territory or to seek an alternative future.

...

The right of self-determination is enshrined in the Charter of the United Nations. We believe that the people of all overseas territories have a right to determine their own futures, to decide on the path they wish to take and to maintain freely their constitutional link with the United Kingdom if that is their choice. Being a British territory entails a balance of benefits and responsibilities. We affirm a commitment to shared values, high standards of governance and building a stronger partnership. Any decision to break the constitutional link should be on the basis of the clear and constitutionally expressed wish of the people of the territory. We believe that the United Nations Decolonization Committee should delist territories where this is their wish.

Each territory is unique and has its own constitution. We will continue work to complete the process of constitutional modernizations so that territories have the greatest self-government possible.

C. Action taken by the General Assembly

49. On 11 December 2013, the General Assembly adopted, without a vote, resolutions 68/95 A and B, based on the report of the Special Committee (A/68/23) and the subsequent recommendation by the Fourth Committee. Section II of resolution 68/95 B concerns Anguilla. In the operative paragraphs of that section, the General Assembly:

1. *Welcomes* the preparations made for a new constitution, and urges that constitutional discussions with the administering Power, including public consultations, be concluded as soon as possible;

2. *Requests* the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

3. *Notes* the expression of grave concern by the Caribbean Community at the tension between the administering Power and the territorial Government and the deterioration in the Territory's governance arrangements;

4. *Stresses* the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee, calls upon the administering Power to facilitate such a mission, if the territorial Government so desires, and requests the Chair of the Special Committee to take all the necessary steps to that end;

5. *Requests* the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

6. *Calls upon* the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including budgetary matters, with regional support as needed and appropriate;

7. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean.
